

## REMARKS

Claims 1-46 are pending. Claims 1-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Windows 2000 Authentication

(<http://www.comptechdoc.org/os/windows/win2k/win2kauthentication.html>) ("Windows").

Reconsideration is requested. No new matter is added. The rejections are traversed. No claims are amended. No claims are canceled. No claims are added. Claims 1-46 remain in the case for consideration.

In responding to the Applicant's arguments, the Examiner has indicated that the reference "clearly states the date (year 2000)". The Applicant respectfully disagrees. The reference describes the Windows 2000 operating system, but this does not define a date of publication. "WINDOWS 2000" is merely the name or trademark of the product, and does not establish a date. The only date provided is that on the bottom right-hand corner of the page, which indicates the date the Examiner printed the document: August 31, 2004. If the Examiner wishes to establish that this document was published before that date, the Examiner needs to prove the publication date: an unsupported assertion that the document was published in the year 2000 is insufficient. According to MPEP 901.06, "[a]ll printed publications may be used as references, the date to be cited being the publication date". The mere fact that the document discusses an object that existed in the year 2000 does not establish the document as having been published in the year 2000.

Further, the Applicant refers the Examiner to MPEP 2128. In that section, when discussing Electronic Publications as Prior Art, the MPEP states that "[i]f the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b), although it may be relied upon to provide evidence regarding the state of the art." As no publication date can be established for the reference, under MPEP 2128, this reference is not available under 35 U.S.C. § 102(a) or (b), and therefore is not available under 35 U.S.C. § 103(a).

Finally, the best date (of any sort) that can be established for the reference is October 28, 2001. The undersigned visited the URL of the reference (<http://www.comptechdoc.org/os/windows/win2k/win2kauthentication.html>), and found a set of links on the left side of the website page, which were omitted from the printout provided by the Examiner. A true and complete printout of the website page is attached hereto as Exhibit A. Upon selecting the link titled "Introduction", the undersigned was taken to the URL for the introduction to the document which included the reference. This document is entitled "The CTD P Windows 2000 Tutorial Version 0.6.1 Oct 28, 2001" (<http://www.comptechdoc.org/os/windows/win2k/index.html>). It is worth noting on the left column of both website pages, item 64 is titled "Authentication" and is a hyperlink that brings the

reader back to the website page of the reference. A true and complete printout of the website page is attached hereto as Exhibit B. Given that the version of the introduction to the reference cited by the Examiner is dated October 28, 2001, this is the earliest date that can be assigned to the reference. (It is worth noting that even this date cannot be fixed as a publication date; it is the date on which the entire tutorial was considered complete, but does not provide any definitive date as to when the tutorial was actually made available to the public.) As October 28, 2001 is more than seven months after the filing date of this patent application, even this date fails to establish the reference as prior art.

In addition, the Examiner has failed to substantiate his statement that "its features were so well advertised even before its actual creation". As previously argued, Microsoft Corporation has a history of hiding its implementation details, without which a person skilled in the art would not be enabled to implement the features to which the Examiner points. The Applicant refers the Examiner to the exhibits provided in the Response to Office Action dated September 8, 2004.

Further, the Examiner has failed to establish that the features of interest from Windows 2000 were included in the original release of Windows 2000. Since the original release of Windows 2000, there have been four "service packs". The most recent three service packs, in chronological order, were released on May 14, 2001, July 30, 2002, and June 26, 2003; all of these service packs were released after the filing date of this patent application. Copies of website pages showing the release dates of service packs 2, 3, and 4 are attached as Exhibits C, D, and E, respectively. And beyond the service packs, there have been innumerable patches to the Windows 2000 operating system, any of which could have introduced the features upon which the Examiner is relying. Even if the Examiner were to treat the October 28, 2001 date as a publication date for the reference (which the Applicant would dispute: the Applicant maintains that there is no evidence of the date on which the document was made publicly available), it is possible that the features upon which the Examiner is relying were introduced in Service Pack 2, which was released two months after the filing date of this patent application and five months before the (completion) date of the reference. Or the features could have been introduced in any of the innumerable operating system patches.

With reference to the Examiner's argument that the reference teaches a "shared secret", the Examiner is referred to the arguments previously presented. The Applicant previously argued that the password in the Windows reference is distinguishable from the shared secret of the claims. As argued previously, the invention uses both a password and a "shared secret", and that the "password" of the Windows reference is not the shared secret.

In addition, for the password of the Windows reference to be a "shared secret", the password has to be known to both the user and the other computer. But if the password is stored in raw form on the computer (necessary for the secret to be "shared", as argued by the Examiner),

then anyone who can read the password file can know the user's password. This is poor security. A better security system relies on the computer storing a one-way hash of the password (that is, the computer stores the result of a function that converts the password to a hash, in such a way that the original password cannot be recovered from the hash result). The user, however, does not know this hash: the user only knows the password. To authenticate the user, the system hashes the provided password and compares that with the stored hash. If the comparison indicates the user provided the correct password, then the user is authenticated. So, the user and the computer know different data, and do not have a shared secret (that is, a secret that both of them know).

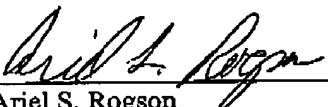
Finally, the Applicant points out that the secret is shared between two computers, not between a computer and a user. But it is the user who knows the password in the Windows reference, not two computers. The Examiner is referred, for example, to claims 19 and 28. In claim 19, it is the user who wishes to gain access to the resource on the first computer. But as described in claim 28 (and in apparatus claim 1), the secret is shared between the two computers; the user is not involved. So the password is distinguishable from a shared secret as claimed.

Of course, this argument is entirely academic, as the Windows reference is not prior art to the claimed invention, and so the teaching of a password in the Windows reference is not useable as prior art.

For the foregoing reasons, reconsideration and allowance of claims 1-46 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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